

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER RULE 1.53(b)

Pursuant to 37 CFR 1.53(b), please ☐ a ☐ continuation/☒ divisional  
of the pending prior PATENT APPLICATION of:  
Inventor: IBA et al  
Serial No. 09/214,465  
Filed: January 5, 1999  
For: **PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY**  
Assistant Commissioner for Patents  
Washington, DC 20231  
Sir:

Atty Dkt.: 423-59

C# M#

Date: March 8, 2000

Group: 1636

Examiner: Leffers

#3/a  
3eta  
5/15/01

025008/01  
03/08/01  
JC986 U.S. PTO

This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):  
Inventor(s): IBA et al

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (if any) and abstract (if any). No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☒ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

Application Number	Country	Day/Month/Year/Filed
8-335433	Japan	16/12/96
9-159538	Japan	17/06/97
PCT/JP97/04592	PCT	12/12/97

☐ certified copy(ies) of foreign application(s) attached or

☒ already filed on December 12, 1997 in prior appln. no. PCT/JP97/04592 filed Dec. 12, 1997

☐ already filed in \_\_\_\_\_

- ☒ The prior application is assigned to Eisai Co..
- ☒ Power of Attorney has been granted to B. J. Sadoff et al, Reg. No. 36,663 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.

☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.

☒ Please amend the specification by inserting before the first line: This is a divisional of application Serial No.

09/214,465, filed January 5, 1999, now pending, the entire content of which is hereby incorporated by reference in this application. -- which was the National Stage of International Application PCT/JP97/04592 filed

- ☐ This application is entitled to "Small entity" status. ☐ "Small entity" statement attached. 11/2 8-13-02 -12/12/97
- ☐ Petition filed in prior application to extend its life to insure co-pendency.
- ☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and Examiner for the reasons stated therein.

☒ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.

☒ Also attached: ☒ Information Disclosure Statement with PTO-1449; ☐ Non-Publication Request; ☐ Other:

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HERewith CANCELED**

Basic Filing Fee				\$	710.00
Total effective claims	2	- 20 (at least 20) =	0	x \$ 18.00	\$ 0.00
Independent claims	1	- 3 (at least 3) =	0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)				\$	0.00
				<b>SUBTOTAL</b>	\$ 710.00
If "small entity," then enter half (1/2) of subtotal and subtract				-(	0.00)
				<b>SECOND SUBTOTAL</b>	\$ 710.00
Assignment Recording Fee (\$40.00)				\$	0.00
				<b>TOTAL FEE ENCLOSED</b>	\$ 710.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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BJS:eaw

**NIXON & VANDERHYE P.C.**  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: [Signature]

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